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NEGRO SLAVERY.

(Continued from page 202.)

I COME now to a second branch of the inquiry: What is the tenure by which the slaves are held? Or in other words, upon what principle, in the law of nature or nations, are the negroes and their descendants retained in slavery?

There is scarcely any thing, in the whole slave-holding vocabulary, more common than that the slaves are *property*, that the masters cannot be divested of their property, unless with their own consent, without the most flagrant injustice. It is too frequently admitted, that whatever has the sanction of law must necessarily be right. Men who find themselves in possession of legal advantages over their fellow men, are not generally disposed to scrutinize very closely the foundation of their own claims. It is very naturally, as well as sagely concluded, that the advantages which we may derive from the vices and crimes of those who have lived before us, may be safely enjoyed without partaking the guilt. The heir whose estate was ac-

cumulated by the frauds and oppressions of his parent, is commonly satisfied to enjoy his fortune without inquiry, and leave the parent to answer for his own offences. We find ourselves the owners of slaves—the crime of reducing them or their parents to slavery was not ours. We are not answerable for the sins of our ancestors. The institution of slavery has descended to us, with the other institutions of our country. The slaves, and the land they cultivate, are held by hereditary right. Why should we unsettle the one any more than the other? A large, probably much the greater, part of the land in Europe is held by the right of conquest. Italy, Spain, and France, were overrun by the Goths and Vandals from the northern hive. South Britain was seized by her Saxon invaders, and these in turn were overrun by the Normans. The ancient inhabitants of the United States were generally expelled by the sword. It is even doubtful whether those whom the Europeans dispossessed, had not themselves gained

possession by the expulsion or extinction of a former race. We have purchased the lands of the aboriginal inhabitants, with the sword in one hand, and the paltry price in the other. But these things were mostly done by those over whom the present generation had no control. We find ourselves in quiet possession of the fruit of their labours, and their crimes; and are not likely to disturb the enjoyment by anxiously inquiring into injuries which cannot now be redressed. The nations of Africa have become slaves, they have been transmitted as property from sire to son; they have been transferred as property from hand to hand; they have been mortgaged as security for debts; in a word, they have been treated as property rather than as men, until they are so completely associated with our ideas of property, that it is not easy to disentangle the connection. The maxims and principles which familiarly apply to property, are habitually applied to them as such.

It is a sentiment too plain to be controverted, and too common to possess the charm of novelty, that maxims, which are strictly correct when applied to their legitimate objects, are often grossly fallacious when extended beyond their proper limits. Before we confidently apply to the slave the usually admitted principles of property, it is important to inquire how far he can justly be brought to assume that character; how far the laws and usages of society have vested or can vest in the master, a *right* to the person and services of the slave.

I do not design to engage in the discussion of a question, which has been frequently connected with that of negro slavery, whether the intellect of the negro is equal to that of the Eu-

ropean. This question might lead to many interesting and amusing inquiries, but would probably be difficult to settle; and even supposing a decision attainable, the question of right would recur with its original force. Knowledge is power, but power is not the acknowledged foundation of right. The argument which goes to justify the maintenance of the slave-holding system, by a supposed or even a real inferiority of intellect on the part of the negroes, unquestionably *proves*, or at least *admits*, too much. The principle is as good between individuals of the same nation, or colour, as between those whose pedigree cannot be traced to a common origin. If the nations of Europe may justly hold the people of Africa in servitude, because the minds of the latter are less capacious than those of the former, supposing that to be the fact, then, upon the same principle, the man of common understanding may lawfully enslave the dolt, and the man of genius exact the unrequited services of the ordinary man. That those who think must govern those who toil, may be admitted as a maxim, founded on the nature of society, without establishing a right which can be justly supported by physical force. Declining the discussion of such questions, I shall take it for granted that the negroes are men, are equally with ourselves capable of happiness or misery; and accountable for the use or abuse of the faculties with which they are endowed.

The slaves held by the nations of western Europe, and their descendants on this side of the Atlantic, are of two descriptions; those who were imported from Africa as slaves, and the descendants of slaves thus imported. On each class a few observations will be offered.

And first of the African natives who have been imported as slaves into the western world.

These slaves are of several descriptions. As prisoners of war; persons condemned by the African tribunals for real or imputed crimes; insolvent debtors sold to satisfy the claims of creditors; persons kidnapped, and a few who were slaves in Africa, and sold by their masters to relieve themselves and their families from the pressure of famine. To advert for a moment to the first class, the prisoners of war.

The natives of Africa, while residing in their own country, whether they are settled in cities, or wandering in the deserts, are, in relation to us, independent nations. The extravagant donations of Eugene IV. and Alexander VI. would not at this time be considered as conferring a right even to the lands, much less to the persons, whom their *christian* adventurers might discover. Nothing that we can discover in the laws of nature, or of nations, can give to us or the nations of Europe, any other right to enslave the natives of Africa, than *they* possess to reduce to servitude the lordlings of the north. The scattered tribes, that people the African continent, are generally independent communities. In relation to each other their rights are equal, whatever may be their relative powers to maintain them. "Nations being composed of men naturally free and independent, and who, before the establishment of civil societies, lived together in the state of nature, nations or sovereign states, are to be considered as so many free persons living together in the state of nature. It is a settled point with writers on natural law, that all men inherit from nature a perfect liberty and independence, of which they can

not be deprived without their own consent. In a state, the individual citizens do not enjoy them fully and absolutely, because they have made a partial surrender of them to the sovereign. But the body of the nation, the state, remains absolutely free and independent with respect to all other men, all other nations, as long as it has not voluntarily submitted to them."\* "Since men are naturally equal, and a perfect equality prevails in their rights and obligations, as equally proceeding from nature, nations composed of men, and considered as so many free men living together in a state of nature, are naturally equal, and inherit from nature the same obligations and rights. Power or weakness does not in this respect produce any difference. A dwarf is as much a man as a giant, a small republic is no less a sovereign state than the most powerful kingdom. By a necessary consequence of that equality, whatever is lawful for one nation, is equally lawful for any other; and whatever is unjustifiable in the one, is equally so in the other."†

If, therefore, the petty monarchs of Africa may lawfully invade each other's dominions, for the purpose of seizing their people as slaves, so may the nations of Europe. Those nations that encourage this practice, by purchasing the prisoners obtained by these sanguinary contests, give their sanction, as far as principle is concerned, to the piracies of the Algerines, and the other Barbary powers. That a large part of the African wars may be justly attributed to the slave trade, is sufficiently proved. In numberless instances, these wars have been avow-

\* Vattel's Law of Nations, Preliminaries LVI.

† Ibid LXIII.

edly waged for no other purpose. The avidity of the African chiefs for the productions of Europe, often stimulates them to those marauding expeditions, by which the trade is supplied. But even those wars, which are not undertaken directly and avowedly to furnish the victims of this odious traffic, may often be fairly attributed to this fruitful source of misery and crime. The injuries to families and nations, which arise from the public wars and private pillage produced by this traffic, cannot fail to create jealousies and antipathies among the neighbouring tribes. The destruction of the villages and fields, by which these marauding expeditions are accompanied, must often subject the wretched survivors, who elude the pursuit of their invaders, to all the miseries of famine, and drive them to invade the property of others. Hence wars of defence and revenge, as well as aggression. Thus war and the slave trade, like the farmer and the manufacturer, feed and support each other.

What then are the rights of war?—It is not necessary, in this case, to inquire whether wars of any description are compatible with the principles and doctrines of the Christian religion; or whether even a sound and rational policy would ever dictate a national resort to physical force. Notwithstanding my own opinion, that these questions would be correctly answered in the negative, I shall assume as correct the usually admitted principles of national law.\*

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\* This assumption is made, not because of any doubts that the principles of peace, as advocated by the society of which I am a member, and by many individuals of other persuasions, are not only completely defensible upon evangelical grounds, but are most con-

“War,” says Vattel, “is that state in which we prosecute our right by force.”† “As nature has given men no right to employ force, unless when it becomes necessary for self-defence, and the preservation of their rights; the inference is manifest, that, since the establishment of political societies, a right, so dangerous in its exercise, no longer remains with private persons, except in those rencounters where society cannot protect or defend them.” “A right of so momentous a nature, the right of judging whether the nation has real grounds of complaints, whether she is authorised to employ force, and justifiable in taking up arms, whether prudence will admit of such a step, and whether the welfare of the state requires it; can only belong to the body of the nation, or the sovereign, its representative.”‡ “The right of making war belongs to nations only as a remedy against injustice; it is the offspring of unhappy necessity. This remedy is so dreadful in its effects, so destructive to mankind, so grievous to the party who has recourse to it, that, unquestionably, the law of nature allows of it only in the last extremity, that is to say, when every other expedient proves ineffectual for the main-

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sistent with political wisdom. The experience of William Penn, in the settlement of Pennsylvania, appears to me a complete justification of their policy. The letters of Whelpley to governor Strong contain a masterly, and, as I conceive, an unanswerable defence of them, on the principles of scripture and reason. But, well knowing that very different opinions on this subject are commonly entertained, I thought it more eligible to deduce my conclusions from premises more generally admitted.

† Law of Nations, book iii. chap i.

‡ Ibid. chap iii.



tenance of justice.”\* He who is engaged in war derives all his right from the justice of his cause. Whoever therefore takes up arms without a lawful cause, can absolutely have no right whatever; every act of hostility that he commits is an act of injustice. He is chargeable with all the evils, with all the horrors of war; all the effusion of blood, the desolation of families, the rapine, the acts of violence, the ravages, the conflagrations, are his works and his crimes. He is guilty of a crime against the enemy whom he attacks and massacres without cause; he is guilty of a crime against his people, whom he forces into acts of injustice, and exposes to dangers, without reason or necessity; against those of his subjects who are ruined or distressed by the war, who lose their lives, their property, or their health, in consequence of it; finally, he is guilty of a crime against mankind in general, whose peace he disturbs, and to whom he sets a pernicious example.”†

Applying these principles to a large part of the African wars, it follows conclusively, that the victors acquire no rights whatever over the vanquished. Indeed, the common sense of mankind revolts at the assertion, that those who assail the peaceful village at the dead of night, set it on fire, and then seize the terrified inhabitants as they are endeavouring to escape from the flames, acquire by this act any right over the victims of their murderous rapacity; or that those who encourage and support these barbarous measures, are any other than partners in the guilt. The claim to a right in the persons of those ill-fated natives who are seized by those lawless invaders, is

evidently worse than unfounded. Consequently, no right can be transferred to the purchaser. Nor does any number of successive purchases alter the nature of the right.\* The cipher multiplied a thousand fold is a cipher still.

It however sometimes happens, that the aggressor is overcome, and the invading troops themselves become prisoners of war. Here the case is materially changed. A just vengeance, it may be said, will visit, upon the aggressor, the fate that was designed for the aggrieved. But we may observe, in the first place, that the design of the invaders being cruel and unjust in the highest degree, it is difficult to perceive the justice or mercy of following the example. It is further observable that, in these cases, the lead-

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\* In our slave states it is fully admitted, that a person being held as a slave, and descended from a line of actual slaves, is still entitled to his freedom in case any link of the slave chain can be proved to be defective. Some hundreds of slaves were liberated in Virginia a few years ago, because they were descended in the female line from an Indian ancestor, who was not legally held as a slave. The case of Mary Butler, decided in the general court of appeals in Maryland about forty years ago, is a striking exemplification of this doctrine. By a law of 1663, a white woman marrying a negro slave became a servant for life, and the issue of such marriage became slaves. Mary Butler was descended from such marriage, and her ancestors for three generations had been held as slaves, yet she was adjudged free, because the white female ancestor was not convicted of having intermarried with a slave, or at least the conviction was not proved. A defect in the original title thus destroying the claim, after it had been admitted for more than a century. Vide Harris and M'Henry's Reports, Vol. 2.

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\* Ibid. chap. iv.      † Ibid. chap. xi.

ers are the principal offenders; the common soldiery in the African, as well as in the more civilized armies of Europe, have little to do but to obey the command of their chiefs. If the punishment awarded is to be estimated by the degree of criminality, it is obvious that much the heaviest share ought to fall on those who direct the offence. Hence the European trader, who stimulates the untutored negroes to these deeds of rapine, should, at least, share with them in the consequence.

Waiving however all considerations of inequality of guilt, let us for a moment inquire, what rights over the persons of the vanquished are acquired by the victors, supposing the aggression wholly on the side of the former.

The rights of war resulting from the justice of the cause, those engaged in war are supposed justifiable in the use of such means as the end requires. "The lawfulness of the end does not give us a real right, to any thing further than barely the means necessary for the attainment of that end. Whatever we do beyond that, is reprobated by the law of nature, is faulty, and condemnable at the tribunal of conscience."\* The right to take the life of an enemy, depends upon the necessity of the case; when that necessity ceases, the right no longer exists. Hence, when an enemy ceases to resist, the usages of civilized nations require that his life should be spared. To massacre an enemy who has thrown down his arms, and manifested a determination to submit, is justly reprobated as murder rather than lawful war. A nation may detain in custody the prisoners taken in war, as long as such detention is ne-

cessary for its own safety, or as long as it is required for the purpose of obtaining the just ends of the war, but no longer. Whenever peace is restored between the belligerent nations, the right of detaining the prisoners ceases of course, because the necessity no longer exists. To detain the prisoners after the war has been ended, is, in regard to them, to continue the war. The ancients founded their imaginary right to enslave the prisoners of war, upon the presumption, that their lives might have been justly destroyed; but the foundation being unsound, the superstructure falls of course. We therefore arrive at a conclusion, to which probably few will object in theory, whatever course may be adopted in practice, that no right can be derived from the African wars to enslave the prisoners, and that consequently none can be transferred to the European traders by whom they are purchased.

The second description of slaves, consists of persons condemned by the African tribunals for real or imputed crimes. As those who are derived from this source are well known to be generally the victims of avarice, not of justice; that whole families are often sold for the imputed delinquency of one of its members; and that whenever the tribunal is within the atmosphere of the trade, slavery is the usual sentence passed upon criminals, whatever may be the character of the offence, a few observations on this branch of the subject must suffice. Those Europeans who submit to the degraded office of executioners to the petty despots of Africa, even supposing they have no agency in the decisions, are certainly assuming a station below the character of civilized men. The right however which they derive from the purchase

\* Vattel, book iii. chap. viii.

of the unhappy convicts is the question to be examined.

The legitimate object of penal laws is the reformation of criminals and the prevention of crimes. The right of society to punish the violations of law, arises from the necessity of the case; the right of self-preservation. The infliction of punishment, as a retaliation of injuries, is the assumption of a prerogative which belongs not to man.\* It is not the magnitude of crimes, simply considered, but their effect on the peace of society, that furnishes the proper measure of their punishment. Whenever punishments exceed the measure which the security of society demands, they become acts of tyranny. Banishment from the land of our birth, without any attendant and continued punishment, is one of the severest inflictions, short of absolute death, which can be meted to man.† It is only in cases of a highly dangerous character that nations can justly resort to it. Those members, who cannot be retained without manifest injury or danger to the community, may be expelled.‡ When the necessity of expulsion arises from

the crimes of the sufferer, it seems just that the necessary expense should be defrayed by himself; but there the claims of society terminate. It is obvious, that even if none were condemned for imaginary crimes, we should find it extremely difficult to establish a just claim to the service, during life, of even this class of African slaves.

The right to the other descriptions of imported slaves is, if possible, still

ture offences of the same kind. This is effected three ways: either by the amendment of the offender himself; for which purpose all corporal punishments, fines, and temporary exile or imprisonment, are inflicted: or by deterring others by the dread of his example from offending in the like way, "*ut poena* (as Tully expresses it) *ad paucos, metus ad omnes perveniat*;" which gives rise to all ignominious punishments, and to such executions of justice as are open and public: or lastly, by depriving the party injuring of the power to do future mischief; which is effected by either putting him to death, or condemning him to perpetual confinement, slavery, or exile. The same one end, of preventing future crimes, is endeavoured to be answered by each of these three species of punishment. The public gains equal security, whether the offender himself be amended by wholesome correction, or whether he be disabled from doing any farther harm: and if the penalty fails of both these effects, as it may do, still the terror of his example remains as a warning to other citizens. The method however of inflicting punishment ought always to be proportioned to the particular purpose it is meant to serve, and by no means to exceed it: therefore the pains of death, and perpetual disability by exile, slavery, or imprisonment, ought never to be inflicted, but when the offender appears incorrigible: which may be collected either from a repetition of minuter offences; or from the perpetration of some one crime of deep malignity, which of itself demonstrates a disposition without hope or probability of amendment. Bl. Com. B. IV.

\* Vengeance belongeth unto me, I will recompense, saith the Lord. Heb. x. 32.

† To persons capitally convicted the king frequently offers a pardon, upon condition of their being transported for life. Many have, at first, rejected this *gracious* offer, and there have been one or two instances of persons so desperate, as to persist in the refusal, and who, in consequence, suffered the execution of their sentence. Christian's Notes to Blackstone's Commentaries.

‡ As to the *end*, or final cause of human punishments. This is not by way of atonement or expiation for the crime committed; for that must be left to the just determination of the Supreme Being: but as a precaution against fu-

weaker than those which have been considered. The various declarations of the European powers respecting the slave trade, and the provisions adopted for its abolition, clearly attest the light in which it is viewed by those who are not blinded by interest, on that side of the Atlantic. When the congress of the United States pronounced that traffic piracy, and denounced the punishment of death upon those who might be found on board American ships engaged in its prosecution, they sufficiently intimated, not merely their abhorrence of this murderous traffic, but their unwavering opinion, that no rights to the victims of the trade were vested in its promoters.

Our rights to this *property*, as far as the imported slaves are concerned, have thus grown up out of a series of the most flagrant and accumulated wrongs, and in direct opposition to the principles of common as well as national law.\* The foundations of *property* to an enormous amount, are laid "inconceivably in emptiness and darkness." The case of those born in the country comes next under consideration.

#### SCRIPTURE RESEARCHES ON SLAVERY.

(Concluded from page 267.)

If any object that the Jews did not understand their law as I have explained it, I reply, that our Lord teaches us to rank the Jewish doctors very low as interpreters of scripture. Matt. v. 43—47. Mark vii. 1—13—23. And farther, some of these laws they almost entirely neglected, (Neh. viii. 14—17.) as to dwell in booths at the feast of tabernacles. Others, they most wick-

edly evaded, as, to let their brethren go out free after six years, (Jeremiah xxxiv. 8—22.) If they treated their own race thus, it is not surprising that they should go farther with respect to other races. But, if I am rightly informed, the Jews now hold that a proselyte of righteousness is fully naturalized, and not to be held in bondage, but in all respects treated as a brother.

This was the law and the practice of the church in the time of Christ and his apostles. Few points were made more plain in the Old Testament, than the sin of oppressing and enslaving others; few sins had been more severely punished, as the plagues of Egypt, and the judgments on Israel, testified. Ex. chap. i. 14. Jeremiah xxxiv.

There was no need that much, if any thing, should be said about it, by our Lord and apostles. It stood on the same ground that many other things did, which were settled in the Old, and need not be repeated in the New Testament, as, the Sabbath, the sin of worshipping God by images, the membership of infants, &c.

The Jew was supposed to be established in these truths, from the Old Testament. The gentile and Jew are constantly referred to the Old Testament as the word of God, the rule of faith and practice.

What, for instance, did the Roman, Corinthian, Galatian, Ephesian, or any other gentile churches, know about the Sabbath, the membership of infants of believers, the sin of worshipping God by images, the sin of polygamy, divorce, and a thousand things that might be mentioned? and what instruction on these points do we find in the epistles addressed to them? On most of them, not a word, and on none of them much. What is said in the New Testament against many vices that then prevailed much; gladiator shows, the theatre, the plays and revels connected with paganism, polygamy, divorce, concubinage, the use of images in worship, the exposing of infants, &c? It is supposed the churches possessed the Old Testament. There they would find instruction on many of these points, and a system of doctrine and general principles that went totally to condemn them, and there they would find as much, if not more, against oppression

\* It is an admitted principle of common law, that no man can derive a *right* from an unlawful act. Or, in the language of the courts, No man may be allowed to take advantage of his own wrong.



and slavery, than against any one sin that can be named.

The only point on which it was needful to say any thing, was whether the law, which forbid the Jew to enslave his fellow Jew, ought, with the enlargement of the church by receiving the Gentile, be enlarged to embrace the Gentile also. Whether the breaking down of the middle wall of partition, the declaring the Gentile clean, the making Jew and Gentile one, did not require that this law of brotherly love should be extended to the whole, and put down slavery altogether?

Now, it appears to me, that if general principles can establish any point, then this point is established. Our Lord taught most clearly that we were to consider all men our brethren. We cannot well conceive of a stronger view of this point than is set before us in the parable of the good Samaritan, (Luke x. 27—37.) His people are to be a light in the world, a salt in the earth. They are to owe no man any thing but love; to be merciful as their Father is merciful; not to render evil for evil, but to do good to them that hate them, bless those that curse them; they are to do in all things to others as they would be done by. They are not to lord it over one another as the world does, but to be as brothers, and realize that God hath made of one blood all nations of men, and is no respecter of persons. The very spirit of the gospel is love, and kindness, and gentleness, and a spirit to bear each other's burdens. Nothing can be more opposed to the spirit of the gospel than forcibly holding our fellow men, and their children, in bondage, for no crime; buying and selling them as property; and compelling them to serve without wages.

That the first Christians did infer the unlawfulness of slavery, we have a good deal of proof. Clemens, in his epistle to the Corinthians, says, that he had known many who had hired themselves as servants, that they might relieve others; and even delivered themselves into slavery, that they might restore others to liberty. Serapian was twice restored to liberty, on his master's embracing the gospel. The bishop of Amida and his clergy gave the gold and silver plate of their

churches to redeem Persian captives, although Pagans, and set them at liberty. Tertullian informs us that the churches had funds raised by collections, which were employed in redeeming persons, especially their brethren, from slavery. The apostate Julian ascribes it to the kindness and active charity of the first christians, not to their own society only, but to all men, that they had such success in spreading their religion. No doubt it was a powerful means for opening the ears, and inclining the hearts of others to attend to their instructions, and learn a religion that was so full of love and kindness to their fellow-men. This accorded with the practice of our Lord and his apostles. They did good in a temporal respect to their fellow men, healed their diseases, satisfied their hunger, and thus engaged their attention to their doctrine, and gave proof that the good of man was had in view. Our Lord had attendants, but no slaves. The disciples had attendants, but no slaves. To have claimed their fellow as absolute property, held them forcibly in bondage, and compelled them to serve without wages, even if the laws of the land had permitted it, would have been a poor comment on their doctrine of love, and kindness, and doing good, of seeking not our own, but another's wealth—of bearing each other's burdens—of considering all men as their brethren, and doing in all things to others as we would have done to us, on which they so constantly and so earnestly dwelt. Would to God that all who bear the christian name had followed their example, instead of inferring from the command to servants to obey, that it is lawful to practise a slavery which God's judgments on Egypt and Israel, as well as many other things, prove to be hateful to God.

The inference in justification of slavery, from the commands to servants to obey, is most unfair, but so common, that a few remarks may be offered on it. The terms used to express servants in the New Testament, mean servants generally: and of course a justification of slavery, one condition of servitude, does not follow from them. Slavery bears the same relation to servitude generally, that polygamy does to marriage, and tyranny to government, as

the command to wives to obey their husbands, does not justify the husband in having several wives; and as the command to subjects to obey their rulers, does not justify the rulers in being tyrants; so neither do the commands to servants to be obedient justify masters in holding servants as absolute property, detaining them forcibly in bondage, and compelling them to serve without wages. The same principles and reasoning that prove that polygamy is marriage in a condition sinful in the parties, and that tyranny is government in a condition sinful in the ruler, will prove that slavery is servitude in a condition sinful in the master.

The right of the master to hold servants as slaves cannot fairly be inferred from the command to the servant to obey. For it is unquestionable, that persons in certain circumstances are commanded to perform duties, which yet no others have a right to exact, or can exact of them without sin. Matt. v. 38—41. will furnish us with an illustration. "Ye have heard that it hath been said," &c.

#### SLAVERY IN CUBA.

From various sources we learn, and it has been heretofore observed, that the state of slavery in the Spanish colonies is not so extremely oppressive as in either the French, the Dutch, or the British. The following view of it, in *Cuba*, is believed to be in the main correct, or as nearly so as may be requisite to form a general idea of it. The statement is based upon information obtained within a few years past; and though some changes may have occurred, in consequence of the great and steady decrease of the coloured population, compared with that of the white, still it will not, perhaps, very materially affect the general aspect of affairs.

It has been the practice, at all times, of the courts of justice in Cuba, to sanction such regulations as tend to meliorate the lot of slaves; and this has given rise to a system, which, though principally founded on custom, has acquired the force of law, and many parts of which have been confirmed in royal decrees. Among other beneficial regulations, there is a public officer in

every district, who is the official protector of slaves, and whose presence is necessary at every legal decision concerning them.

Slaves in the island of Cuba may be divided into two classes; those in *Venta Real*, that is, who may be sold by the master for any sum he chooses to demand; and *Coartados*, that is, those whose slavery is limited, by a price being fixed on them which cannot be increased at the will of the master.

Slaves may acquire their liberty by the mere grant of their master, or by testament; and the only formality necessary is a certificate, called a *Carta de Libertad*. No security is required, as in the British Islands, that they shall not become a charge to the parish. But masters are not allowed to emancipate old and infirm slaves, unless they provide for them.

If a slave can prove that a promise of emancipation has been made to him by his master, the latter will be compelled to perform it; and wills relating to this subject are always interpreted most favourable to the slaves.

Slaves may also obtain their liberty by purchase: but the master is not allowed to fix an arbitrary price; but if he and the slave cannot agree, two appraisers are named, one by the master, the other by the Protector of Slaves, and the judge names an umpire. The law exempts all sales of this description from the six per cent. duty attaching to all other sales. A master is compelled to sell his slave, if the purchaser engages to emancipate him at the end of a reasonable time. Masters who use their slaves ill, may be compelled to sell them; and in case of their not being *coartado*, by appraisement. It is the universal custom to give liberty to slaves rendering services to the state, the government paying the master for them.

A slave once emancipated cannot be again reduced to slavery. Various instances to this effect are cited; among others, the following:

A slave applied to a judge to be valued, in order to purchase his liberty; the master objected, saying it was impossible he could legally have acquired so much money. The court acknowledged, that the illegal acquirement of the money was a bar to the demand of

the slave; but held that such illegal acquirement must be proved by the master, as it would be hard to oblige the negro to account for all the money he had ever received.

Next to obtaining his liberty, the great object of the slave is to become *coartado*. This consists in his price being fixed: the master giving him a document called *escritura de coartacion*, by which he binds himself not to demand more than a certain sum for the slave, which sum is always less than his actual value, but has no relation to the price paid for him.

As slaves may acquire their liberty, so may they be *coartados* at the pleasure of their master. They may become so, too, by paying a part of their value. This arrangement is scarcely ever objected to: if it were, the slave has only to apply to a court of justice through the protector to be valued, and then, on paying fifty or a hundred dollars, his master would be obliged to give him an *escritura*, expressing that he was *coartado* in the difference between the sum paid and his estimated value. Thus, if a slave be valued at 600 dollars, and pay his master 100, he will remain *coartado* in 500: and no greater price can be demanded, whether he be sold to another master, or he himself purchase his liberty.

The slave also who is already *coartado* in a certain sum, may pay any part of it, not less than fifty dollars, and his master is bound to receive it. Again, if a master be about to sell his slave, the slave may oblige the purchaser to receive any part of the purchase money, and to remain *coartado* in the remainder; and for the part paid no tax is exacted, nor indeed for any money paid by slaves towards obtaining their liberty, for becoming *coartados*, or diminishing the sum by which they may be already *coartados*.

It is a disputed point, whether a slave can oblige his master to sell him, if he can find a purchaser who will *coartar* him. This practice being liable to abuse, is generally discouraged, unless the purchaser be willing to *coartar* the slave in considerably less than his value; in two-thirds of it, for example; in which case no judge would refuse the demand for a change of masters; the meliorating the lot of the slave,

and advancing him in the way of obtaining his liberty, being held paramount to all other considerations. In all cases, however, where a slave demands to be sold to a purchaser who offers to improve his condition, either by engaging to emancipate at the end of a reasonable time, or by agreeing to *coartar* him, or by diminishing the sum in which he is *coartado*, the original master will have the preference, and need not sell him, if he be willing to confer the same benefit on the slave which the purchaser proposes to confer.

The *coartado* slave has this great advantage, that, if hired out by his master, or, as is more common, allowed to hire himself out, he is only bound to pay his master one real a day for every hundred dollars in which he is *coartado*. Thus if *coartado* in 500 dollars, he pays five reals a day; if in 450, four and a half, and so on; Sundays and certain holidays being excluded; while the master of a slave in *venta real* is entitled to all the money the latter can earn.

The law is, that a *coartado* slave is as much a slave as any other, except as regards his price, and the quota he is to pay his master, if hired out. The master, therefore, is as much entitled in law to his personal service, as to that of a slave in *venta real*. But this is somewhat modified in practice. If a slave descend to his master *coartado*, or become so in his service, the master may require his personal service, and the slave cannot demand to be allowed to work out. But when a *coartado* slave is sold, it being the custom for a slave himself to seek for a new master, he uniformly stipulates beforehand whether he is to serve personally, or to work out, paying the usual daily quota; and judges will always compel the master to observe such stipulation, unless the slave should neglect to pay; when the only remedy is to exact his personal service. It is not uncommon, therefore, for a master wishing to employ his *coartado* slave, who has stipulated to be allowed to work out, to pay the difference between the sum the slave ought daily to pay to him, and the wages usually earned by the slave. In this case alone is the slave paid for his labour by the master, except, indeed, he is employed on Sundays or holidays.



During illness, *coartado* slaves who work out are exempted from paying any thing to their master, who, on the contrary, is bound to maintain and assist them, as other slaves.

The sum in which a slave is *coartado*, may be augmented by the amount of any damages the master may be made to pay on his account in a court of justice. But if the slave neglects for some time to pay his daily sum, this cannot be added to his price, because it was the master's fault not to have had recourse in time to the proper remedy of compelling the slave's personal service.

The law which so eminently favours the slave, does not neglect his offspring. A pregnant negress may emancipate her unborn infant for twenty-five dollars; and between its birth and baptism, the infant may be emancipated for fifty dollars; and at any time during childhood, its value being then low, it may acquire its liberty or be *coartado*, like other slaves.

In administering this system in the country parts, where there are few magistrates, there may be abuses; yet in the Havanna, and other large towns, it is efficiently observed. Indeed, to the honour of the island be it said, this is the branch of the laws which is best and most impartially administered.

Wages are high in Cuba; a common field negro earns four reals a day, and is fed: a mechanic ten reals to three dollars a day; and a regular house servant, twenty to thirty dollars a month, besides being fed and clothed. With such wages the *coartado* slave is well able to pay the daily quota to his master, and to lay by something for the attainment of his liberty. This could not be done were wages much lower.

The large white population, too, is a great advantage to the slaves, from the facility thereby afforded to change masters, and thus remedy many of the evils attending their state. The lot of household slaves who derive most benefit from this circumstance, is particularly favourable. They are almost always taught some trade, and by well employing their leisure hours, they may easily acquire their liberty in seven years. Field slaves, too, have their advantages. They are by law entitled

to a certain quantity of ground, with the produce of which, and the breeding of pigs and poultry, they may well look forward to acquiring money to become *coartado*, and even to being emancipated. It is also highly advantageous to the slaves that public opinion is favourable to granting them their liberty; and all respectable men would feel ashamed to throw obstacles in the way of their becoming free; on the contrary, masters are generally very willing to assist their slaves in the attainment of this most desirable object. The effects of this system are seen in the state of the population. The last census (which, though not very exact, is sufficiently so for the present purpose) makes the whites 290,000, the free people of colour 115,000, and the slaves 225,000.

*Gen. of Univ. Eman.*

#### PROGRESS OF DISCOVERIES IN AFRICA.

Though the eastern parts of Africa appear to have been settled soon after the deluge, and to have been the seats of civilization and science, at a time when Europe was either unknown to the human race, or occupied only by a few scattered hordes of wandering savages; yet a large portion of that interesting continent remains to this day unknown to civilized man.

The oldest historical notices of Egypt which have escaped the ravages of time, give us a high opinion of its early importance. In the days of Abraham, when a famine prevailed in the favoured land of Canaan, Egypt was the resort of the patriarch and his family. And it is remarkable, that the earliest notice of the precious metals, as a constituent of wealth, occurs in immediate connection with the narrative of his egress from that country; an evidence, in the absence of better, that the fertility of the soil, and the early civilization of the inhabitants, gave to those metals in that country,



prior to any other, their commercial importance. Egypt was, unquestionably, the granary of the ancient world, and the centre to which those productions of the surrounding countries that were most highly prized, and most easily transported, would naturally flow.

In the time of Solomon, a portion of Africa, whose local situation is but imperfectly designated, appears to have been highly civilized. The visit of the queen of Sheba, or queen of the south, to that illustrious monarch, furnishes conclusive testimony of the wealth and magnificence of the royal visiter. Nor was wealth or magnificence all that was displayed. The kings of the surrounding nations came to *hear* the wisdom of Solomon, but the African queen came to *prove* him by hard questions. *They* came, as pupils, to learn by the wisdom of an acknowledged superior; *she* came, as a professor, to examine his claims to superiority. The wisdom of Solomon, and the magnificence of his court, were not to her the objects of stupid wonder and amazement; she appears to have been fully able to comprehend them. This plainly marks a cultivated understanding; for, to the untutored mind, the wisdom of Solomon must have been a glittering, but distant meteor.

The commerce which was carried on by the fleets of Solomon and Hiram, from the shores of the Arabian gulf, is now believed to have extended to the south eastern coast of Africa. The Ophir of the ancients, the land from which Solomon imported such quantities of gold, appears to be situated in the kingdom of Sofala, near the parallel of 20 degrees south; consequently, those fleets must have nearly cross-

ed the torrid zone.\* The knowledge of the African continent, which was derived from this temporary effort of commercial adventure, was probably limited to its coast, and even this limited information appears soon to have been in great measure lost. The native wealth of some parts of that continent, the fame of which no doubt extended where little accurate knowledge on this subject was possessed, must always have furnished inducements to attempt discoveries in those opulent regions; but the difficult and hazardous character of ancient navigation presented serious obstructions to the prosecution of discoveries by sea. The ancients were ignorant not only of the use of the mariner's compass, so indispensable to modern navigators, but of the means of beating to windward, as it is technically called, or making their way in opposition to the direction of the wind; they were, therefore, obliged to keep along the shores, or depend upon the continuance of fair weather, to enable them to steer by the celestial bodies, if they ventured upon the open ocean. They were also compelled to cast anchor whenever the wind was adverse to their intended course. The nature of the continent must always present formidable obstructions to discoveries by land. The vast deserts of arid sands, which separate the insulated oases; the burning heat of the climate; the pestilential gales which sweep over the deserts, and the rave-

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\* Admitting this opinion to be correct, the phenomenon, which Herodotus has mentioned, but not admitted as a truth, must have been familiar to the mariners of Solomon and Hiram, viz. the appearance of the sun on the right hand, while they were sailing to the west.

nous beasts which prowl about the forests, must render a journey through the interior of Africa, at all times, a hazardous enterprise.

In the earliest period to which authentic history extends, the northern as well as eastern shores of Africa were known and peopled. The names of Libya and Carthage are as familiar, in classic history, as those of Greece and Rome. The extent of ocean and of land bounding upon the discovered parts of Africa, attracted, in a peculiar degree, the attention of the ancients. Africa was the object to which were directed most of the expeditions of discovery, which are preserved on the records of antiquity. Two objects were in view, in these expeditions—the examination of the coast, and the discovery of the extensive countries scattered over the interior of the continent. To effect the former, the neighbourhood of the Red Sea, and the western extremity of the Mediterranean, were the proper points of commencement.

The earliest attempt to circumnavigate the African continent is attributed to the Phenicians. A fleet, we are told, fitted out by Necho, king of Egypt, and manned by Phenicians, sailed from a port in the Red Sea, along the south-eastern shore of Africa. The crew at length landed on the coast, sowed a crop of grain, and waited until it was ready to be gathered. Having collected their harvest, they proceeded on their voyage, and in the third year from the commencement of the voyage, they entered the Mediterranean at the straits of Gades, and thence returned to Egypt.\* The historian adds, as an

incredible part of the narrative, the assertion of the voyagers, that in sailing round the African continent, they had the sun on their right hand. This supposed incredible story, must be admitted as one which gives to the whole narrative its highest credibility. Unless those who performed the voyage, or invented the story, understood geography or astronomy rather better than the historian, they never would have conceived that such a tale, if untrue, would obtain belief. If the voyage was really performed, the fact must have been as related; they could not pass a year, in the southern hemisphere, without having the sun, at noon, to the north. The inhabitants of Greece and northern Egypt, in the time of Herodotus, could hardly invent such a tale.

The reality of this voyage has, indeed, been called in question, on plausible grounds. The voyage has been deemed too great an achievement to be effected at the period assigned to it; the state of navigation at the time being supposed inadequate to its accomplishment. The ancients, however, are well known to have accomplished, by dint of perseverance, undertakings which the moderns must contemplate with astonishment. The accounts of the pyramids, catacombs, and other works of the ancients, would be considered as fabulous, if they were to be found only in the pages of a few ancient authors. If the Phenicians penetrated as far as the kingdom of Sofala during the reign of Solomon, it seems to be carrying scepticism rather far, to

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whom king Josiah engaged in his fatal contest. If so, the voyage in question may be dated about 600 years before the Christian era.

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\* Herodotus, book iv. This Necho is supposed to be the monarch with

deny the *possibility* of extending the voyage to three times the distance, after the additional experience of four hundred years.

The ignorance of succeeding authors respecting the form and extent of the African continent, has been urged as incompatible with the reality of the Phenician adventure. This, it must be admitted, is but negative testimony. The apparent extravagance of the declaration respecting the position of the sun was probably sufficient, in that age, to discredit the whole narrative, and consign this important achievement to a temporary oblivion.

A similar voyage, though in an opposite direction, is said to have been attempted at a subsequent period. Sataspes, a Persian nobleman, having been guilty of a crime, for which he was condemned to be crucified, Xerxes, the reigning monarch, was persuaded to commute this punishment for the circumnavigation of Africa. Sataspes, accordingly, having procured a vessel and crew in one of the Egyptian ports, set out on this formidable voyage. He passed the straits of Gades, and sailed for several months along the western shores of Africa. Having neither the hope of fame or wealth to stimulate them, the commander and crew were so much appalled by the unpromising appearance of the desolate shores, and the boundless ocean by which they were girdled, that they soon relinquished the enterprise, and returned to their native country.\*

During the reign of Cleopatra, Eudoxis, a native of Cyzicus, is said to have attempted to circumnavigate the African continent. Being engaged in the trade between India and the Red Sea,

he was driven, by the north eastern monsoon, upon the eastern shore of Africa, where he landed, and entered into traffic with the natives. Here the desire to sail round the continent appears to have taken possession of his mind. A desire which was increased, if not originally produced, by the discovery of a small part of a vessel, which had been wrecked on the coast; and which was supposed similar to those then in use on the south western coasts of Europe. He repaired to Cadiz, which was then a large commercial city, where he succeeded in fitting out an expedition, much better suited to display the pride of wealth, than to effect discoveries in unknown and inhospitable regions. He had one large, and two small vessels, on board of which were embarked, not only provisions and merchandize, but medical men, persons skilled in various arts, and even a large band of musicians. Proceeding along the western coast of Africa, they were thrown upon a sand bank, from which the vessels could not be removed. With part of the timber a new and smaller vessel was constructed, with which the voyage was resumed. Finding difficulties too formidable to be overcome with his small and ill-constructed vessel, he returned to Europe; and at length commenced another voyage of discovery, with fairer prospects of success than before. Whether he succeeded in the accomplishment of his arduous designs cannot be ascertained, as the narrative of Strabo, to whom we are indebted for the account, breaks off, without detailing the conclusion of the expedition.†

These are the only instances on record, in which the complete circum-

\* Herodotus, book iv. 43.

† Leedon's Discoveries in Africa.

navigation of Africa was either performed or attempted by the ancients. Other voyages were, however, undertaken, with a less extensive design. One of the most remarkable of these was the voyage of Hanno, the Carthaginian. This expedition was fitted out with a double view, colonization and discovery. The armament consisted of sixty vessels, with a large number of persons, of both sexes, on board. Sailing from the Straits of Gades, they landed, after two days, on the African coast, and established a colony, assigning to the city which they founded there the name of Thy-miaterium. Proceeding to the south, they founded successively a number of cities on the coast. At the island of Cerne, supposed to be that known to the moderns by the name of Arguin, they founded a colony, which became the principal station of the Carthaginians on that coast. Several curious phenomena are represented as having been observed by the followers of Hanno, some of which must have given to the narrative, in the eyes of their sober cotemporaries, a highly romantic character. On some parts of the coast a profound silence is said to have prevailed during the day, but during the night innumerable fires appeared, and the air resounded with the noise of pipes, drums, and human voices. The Carthaginians, alarmed at these appearances and sounds, left that part of the coast, without venturing to examine the cause. This is explained by adverting to the practice of the negroes, on some parts of the coast, at the present time, to pass the day in repose, and to kindle up their fires at night, and indulge in dancing and obstreperous mirth. At another place, the Carthaginians are said to have met

with beings in human form, but completely covered with hair. These inhabitants, as the Carthaginians esteemed them, were so active, that they could not be readily taken. The males elambered up precipices, and threw stones down upon their pursuers. Three females, however, were slain, and their skins carried to Carthage. These singular *inhabitants* are known to the moderns as a superior species of ape; the ourang-outang.

How far this voyage extended, has not been conclusively determined by modern geographers. By some they are supposed to have followed the coast to the southward of Sierra Leone, while others consider the voyage to have ended near the river Nun, about the 23th degree of north latitude.

The acquaintance of the Greeks and Romans with the western coast of Africa, appears to have been chiefly derived from the information of others. The *Periplus of Scylax* was probably compiled from the narratives then extant of preceding voyagers. The author describes the western shores of Africa, as far south as Cerne, nearly as Hanno had done. Beyond that island he represents the navigation to be completely obstructed by accumulations of mud and sea-weeds. The native inhabitants of the country are denominated Ethiopians, and are said to exceed all others in stature.\* With them the Phenicians are said to have carried on a traffic in ivory, which was

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\* The labour of Egypt, and the merchandise of Ethiopia, and of the Sabians, men of stature, shall come over unto thee, and they shall be thine. Is. xlv. 14. The Ethiopians, to whom Cambyes sent, are reported to be superior to all other men, in the perfections of size and beauty. Herodotus, book iii. 20.



so abundant that the natives not only made it into cups, but used it to decorate themselves and their horses. These people must have made considerable advances in civilization, for they are represented as possessing a great number of domestic animals, and importing the luxuries of Egypt and Athens.

At a much later period, Polybius, the historian, was sent by Scipio to explore the western coast of Africa; but, unfortunately, nothing except a very meagre itinerary of the voyage remains. It has been inferred from these scanty details, that he did not add any thing important to the discoveries of the Carthaginians.

The knowledge of the eastern coast of Africa, which the Hebrew and Tyrian mariners must have possessed in the time of Solomon, appears to have been lost in the subsequent ages. It does not appear that Ophir was ever known to the Greeks. To them the eastern shores of Africa presented an unoccupied field for discovery.

From the *Periplus of the Erythrean Sea*, a work supposed to be published a short time posterior to the age of Pliny, it appears that a trade was then carried on, from the shores of the Arabian gulf along the south eastern coast of the continent. Commencing their voyage at Myos Hormos, (near Cos-sier,) they touched at several ports on the western coast of the Red Sea. At Adulis, situated near the modern Mes-suah, they obtained excellent ivory, which was brought from the interior. Between Adulis and the straits, a prince, celebrated for his acquaintance with Grecian literature, is said to have reigned; with whose subjects an extensive traffic was carried on. Passing the straits, they entered the gulf of the

Avalites. Along this coast, as far as Cape Aromata, (Guardafui,) myrrh, frankincense, cassia, and other aromatics, were collected. After passing cape Aromata, the voyage was prosecuted along the coast of Azania, (Ajan and Zanguebar,) to a port denominated Rhapta, the emporium of Azania, and the furthest then known. This region was governed by a king of Arabian origin. Here they procured ivory in great abundance, but of inferior quality to that obtained at Adulis; also rhinoceros' horns, and tortoise shell. The situation of Rhapta is not now known; and, consequently, the extent of the discoveries made by the Greeks of Alexandria, is involved in doubt. It appears probable they did not penetrate those unknown seas beyond the tenth degree of south latitude, and consequently their voyages were considerably shorter than those of the Hebrew mariners above a thousand years before. If they had extended their voyages to Sofala, it is not to be imagined that the precious metals would have escaped their notice, or that, if found, they would have neglected to mention them.

Barren and unsatisfactory as our information, relative to the nautical discoveries of the ancients on the African coasts, must be admitted to be, those of the interior, which were prosecuted by land, afford still less satisfaction to the inquiring mind. The task of the historian is not only a laborious, but a mortifying one. The materials are often so scanty as to disappoint curiosity, or the truth so mingled with fable, as to baffle ingenuity in her attempts to separate them.

The first journey on record into the interior of Africa, which was under-

taken for the purpose of discovery, is related by Herodotus.\* The historian received his information from certain Cyrenians, who had themselves obtained it from one of the African sovereigns, who resided in the neighbourhood of the celebrated temple of Jupiter Ammon. The travellers were Nasso-  
mians, the ancient inhabitants of Syrtis, and its vicinity, a country included within the present dominions of Tripoli. Some young men, who were sons of the principal inhabitants, upon coming to man's estate, deputed, by lot, five of their number to explore the solitudes of Africa, and to extend, if practicable, their discoveries beyond all preceding adventurers. Being well furnished with water and provisions, but whether with beasts of burden, we are not informed, they proceeded to the southward, through the country which was inhabited either by men or wild beasts, until they reached the borders of the desert. Turning to the westward, they travelled during many days, over a barren and sandy soil, until, at length, arriving probably at an oasis, they discerned some trees covered with fruit, which they began to collect. While they were thus employed, some men, (as they asserted,) of a dwarfish stature, came upon them, seized their persons, and carried them away. They were ignorant of the language spoken by these new acquaintances. The prisoners were conducted over a tract of marshy grounds, to a city, the inhabitants of which were black, and, if we are to give full credit to the narrative, all of diminutive size. The city was washed by a large river, abounding with crocodiles, and flowing from west to east. These Nasso-

mians are said to have returned to their own country, where they embellished their narrative by stating that the inhabitants of their newly discovered city were all *magicians*, as well as dwarfs. If any rational inference can be drawn from this apparently fabulous narrative, it leads to a supposition, that a considerable degree of civilization had been then attained in the interior of Africa. An inhabitant of the South Sea islands would probably suppose that the people of Europe, or the United States, were deeply versed in magic. The river, to which these prisoners are said to have been conveyed, is supposed by Herodotus to be the Nile. A journey by land from Tripoli to the Niger, would appear more likely to be accomplished.

The mad expedition of Cambyses into the interior of eastern Africa, though undertaken with views much less defensible than even barren curiosity, probably added something to the ancient geography of that country. The hardships and privations of one detachment of that devoted army, and the total destruction of the other, must have shown, too clearly to be mistaken, the extreme difficulty and danger of the attempt to explore those inhospitable deserts.

Herodotus, the historian, travelled into the Upper Egypt, for the purpose of collecting materials, geographical and historical, for his celebrated history; though it does not appear that he penetrated into the interior, or left the parts which were inhabited by civilized man.

Alexander, of Macedon, while at Thebes, was seized with a desire to visit the temple of Jupiter Ammon, which was situated on an oasis in the Libyan desert, surrounded by an ocean of sand.

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\* Book ii. 32.

He set out from Alexandria, which he had just laid out, accompanied by a part of his army, on a journey of about 250 miles, most of which lay through sandy deserts. Even those hardy veterans, accustomed as they were to danger in its most appalling forms, were greatly terrified at the dreary prospect of an extensive and trackless waste of sand, where neither tree nor vegetable of any kind was to be seen. Having consumed their stock of water, they were reduced to the greatest extremity, when they were relieved by a copious shower of rain.\* The journey was at length effected, and the ambition of the monarch gratified; but little remains of this vain-glorious enterprise to satisfy modern curiosity. The accounts which the historians of that age have preserved of the oasis in which the temple was situated, are too much blended with fable to be admitted without large deductions.

The journey of Septimus Flaccus and Julius Maturius across the Libyan desert, which is given by Ptolemy, without any of its details, must close the meagre narrative of the efforts which were made by the ancients to explore the interior of Africa.

#### INTERNAL SLAVE TRADE.

The Georgia State Engineer advises the Legislature to purchase as many slaves as the nature and extent of certain proposed public improvements in that state may require. He says:

"The number of negroes should be proportionate to the extent of the improvements; and if I am permitted to express an opinion on this subject, I think the number should not be under two hundred. Such a gang of young, healthy, and vigorous hands, I pre-

sume, could be purchased in Maryland or Virginia, at a sum not exceeding \$30,000, delivered in Georgia; the annual expense of food, clothing, and superintendence, would probably amount to \$25,000. The original cost of the negroes may be considered as so much money loaned out of the treasury without interest, for when the state has accomplished such improvements as may be thought necessary, the negroes may be disposed of, and the money returned into the treasury."—*Nat. Gaz.*

Whether this proposal has been acted upon by the legislature of Georgia, I am not informed; but what a picture of public feeling does the recommendation itself present to our view! The legislature is gravely advised to engage in, and become a party to a traffic, which is substantially the same as that which the general government has denounced as piracy, and directed its naval commanders to suppress. An act of Congress, passed in 1819, appropriated 100,000 dollars to the suppression of the slave trade, to which subsequent appropriations have been added. No less than 185,140 dollars of the people's money have been actually expended in the efforts which have been made towards the attainment of this momentous object.† Yet here we have a proposal to appropriate 30,000 dollars to a trade which differs but little in its character and incidents from that against which the thunders of the American navy are pointed. A journey by land and on foot across the Carolinas is, doubtless, less destructive to negro life, than a voyage across the Atlantic, in the hold of a slave ship; but the separation of families, in the case before us, would probably be more complete than in the African trade. "Young, healthy, and vigorous" slaves, to the

\* Rollin, book xv. sect. vii. from Q Curtius.

† Report of the Secretary of the Navy, Dec. 1, 1827

number of two hundred, would hardly be selected from the slave families in Maryland and Virginia, without inflicting a wound, at which the feeling mind must shudder, on many an anxious relative, as well as on the immediate victims of the trade. This scheme, we may observe, contemplates the revival, to a certain extent, of a prohibited traffic. The importation of slaves from abroad into the state, was constitutionally proscribed in 1798; and their introduction, except under certain limitations, from other states of the Union, was forbidden by law in 1817.\* Judging of the plan from the

terms in which it is couched, I should conclude that an agent or agents are to be appointed by the legislature, to undertake a pilgrimage to the slave manufactories on the Potomac, and collect, as they can, among the slave breeders there, the requisite number of young, healthy, and vigorous slaves, to be transported to Georgia, and employed at the public works. These slaves must of course be *picked*, unless families for sale should be found, in which all the members are young, healthy, and vigorous. These slaves, after being employed, as long as their services are required, on the public works, and thus in some degree domesticated in Georgia, are again to be exposed to sale, probably at auction, to the highest bidder, and endure the

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\* "From and after the passing of this act, it shall not be lawful, except in the cases herein authorized and allowed, for any person or persons whatsoever, to introduce into this state, to assist, or knowingly to become interested in importing into this state, in any manner whatsoever, any slave or slaves; and every person so offending shall be deemed guilty of a high misdemeanor, and, on conviction, shall be sentenced to pay a fine of five hundred dollars, for each and every slave so introduced, and to undergo an imprisonment in the penitentiary at hard labour for any period of time not less than one year, nor longer than three years. *Provided always*, that this act shall not extend to any citizen of this state, residing or domiciliated therein, nor to any citizen of any other state, coming into this state with intent to settle and reside, and who shall, on so coming in, actually settle and reside therein, who shall introduce into this state any slave or slaves, for the sole purpose of being held to service or labour by the person or persons so introducing such slave or slaves, his heirs, executors, or administrators, and without intent to sell, transfer, barter, lend, hire, mortgage, or in any other way or manner to alien or dispose of such slave or slaves, so as to vest the use and enjoyment of the labour or service of such slave or slaves in any other person or persons, than the person or persons so introducing such

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slave or slaves, or in his or her heirs, executors, administrators, or legatees, whether such sale, transfer, barter, loan, hiring, mortgage, or alienation, or disposition of such slave or slaves, shall be for the life or lives of such slave or slaves, or for any other period of time." The act then prescribes, that every person about to introduce a slave or slaves into the state, under favour of this exemption, shall subscribe an affidavit that such slaves are intended for the *sole* use of the owner, and without any intent to be *sold*, or in any way aliened or disposed of, so as in any manner to evade or defeat the true intent of the act. A similar oath is required after the importation. Any person neglecting these regulations is liable to the full penalty of the act.

The *intention* of the act appears to have been to prevent the purchase and importation of slaves into the state. The proviso may be understood to intend, that emigrants coming to settle in the state, should be at liberty to bring their slaves with them; and that citizens, coming into possession of slaves, by bequest, marriage or inheritance, should be permitted to bring such slaves into the state. See Prince's Digest, page 373.



pangs of a second separation from their friends, and the scenes with which they had become familiar.

Should this proposal be adopted, the legislature or its agents will be placed in a curious predicament. A traffic will be prosecuted on behalf of the state, for which an individual, not duly authorised, would incur not merely a pecuniary fine, but a three years' imprisonment in the penitentiary.

#### SLAVERY IN GREAT BRITAIN.

An unusual degree of interest has been excited in England by a recent decision of Sir William Scott, in the high court of admiralty. The case excites the greater attention, not only from its relation to the subject of slavery in general, but from its effect upon a question which had been generally supposed irrevocably settled in English law. Ever since the year 1772, it has been understood, if not by the profession, at least by the community in general, that the moment a slave landed upon the English shore, he became free. The recent decision has given a new aspect to the case. It will doubtless be interesting to our readers to see this case, and the former one, stated somewhat in detail.

The celebrated case of *Somerset*, which has been considered as establishing the freedom of slaves, whenever they landed in England, is given very briefly in *Clarkson's History of the Abolition of Slavery*,\* and apparently without the attention to accuracy, by which the works of that excellent author are usually marked.

\* Vol. i. p. 64. In the above passage it is asserted, that both *Granville Sharp* and *Lord Mansfield* were desirous of a decision on the broad princi-

*James Somerset*, a negro, was imported from Africa, and sold in Virginia. In the latter part of 1769, he was brought by his master *Charles Stewart* to London. *Somerset* at length left the service of his master, who thereupon had him seized, and conveyed on board the ship *Ann and Mary*, then lying in the Thames, and bound for Jamaica. Before the vessel put to sea, a writ of *habeas corpus* was served on the captain, requiring him to bring the said negro *James Somerset* before *Lord Mansfield*, and show the cause why he was detained on board the ship. The captain, in return to this writ, informed the court, that he detained the said negro as the slave of *Charles Stewart*, with the intention of selling him as such in the island of Jamaica. This was near the end of the

ple, whether an African slave coming into England became free? Whereas it appears evident, from the report of this case in *Hargrave's State Trials*, and in *Lloft's Reports*, that *Lord Mansfield* was very unwilling to decide the cause, even upon the more limited ground whereon the decision was actually rested. After argument by counsel, *Lord Mansfield* observed, "The question is, if the owner had a right to detain the slave, for the sending him over to be sold in Jamaica. In five or six cases of this nature, I have known it accommodated by agreement between the parties. On its first coming before me, I strongly recommended it here. But if the parties will have it decided, we must give our opinion." And a little further on, "If the parties will have judgment, fiat justitia, ruat cælum, let justice be done whatever be the consequence." *Lloft's Reports*, p. 17. Such being the feelings of the judge, we may very naturally conclude he would narrow the decision as far as practicable; at least, we can hardly imagine he would decide any thing more than what he supposed his duty required.

year 1771. The case being considered a very important one, it was referred to the court of king's bench, and the counsel for the negro requested time to prepare for argument, which was granted, and the hearing postponed till the following term. No less than five counsellors were heard in defence of the negro, and two in support of the claim, at the different terms when the cause was argued. The eloquence displayed on this occasion is said to have been seldom, if ever exceeded; and the arguments exhibited a fund of erudition, and an extent of research, which few cases are capable of eliciting. The arguments of Francis Hargrave disclose the principal grounds assumed by those who were opposed to the return; but they are too extensive to be analysed, except very briefly, in this journal.

The first point which he endeavours to prove is, that the only kind of slavery which is recognised by the laws of England, is the system of villenage. This system he considers as having originated in the wars between our British, Saxon, Danish, and Norman ancestors, while they were contending for the possession of the island. This villenage, therefore, did not grow up under the laws of England, but was coeval with or anterior to their formation; the growth of barbarous ages, which the improvements of law had been continually reducing within narrower limits. It was essential to the existence of this species of servitude, that it should have existed from time immemorial in the paternal line of the villein. No mode was admitted in English law for the introduction of a *new* slavery into England, or of recruiting the stock of villeins by the addition of new families. This slavery

had long been extinct in England, by the deaths and emancipations of those who were once objects of it. No *new* slavery would be recognised in England, because it must want the indispensable requisites of the only slavery known to English law; viz. immemorial usage in the blood of the slave. The law of England excludes every slavery not commencing in England; and every slavery commencing there which is not ancient and immemorial.

He afterwards proceeds to show, by reference to legal authorities, that slavery cannot originate in England by *contract*, and hence infers, that the law which prohibits the less offensive, will not sanction the more oppressive modes of originating slavery.

Throughout his argument he confines himself to prove the non-existence of slavery *in England*; for he plainly admits, that slaves may be held in the British dominions in America, and in the East Indies. He cites the opinions of chief justice Holt and Lord Northington, that, as soon as a negro comes into England he is free: these opinions, however, appear to have been given incidentally, and not as solemn decisions.

A second point in the argument was, that supposing the negro Somersett to be, while in England, the slave of Charles Stewart, he must be held under the limitations which the laws had imposed upon the lords of villeins. Here a positive law, as old as the time of William the Conqueror, prohibits the deportation of slaves as objects of sale. Hence, if a slave could be held in England, the master could not lawfully send him out of the country to be sold, as Somersett was intended to be. In the arguments of Hargrave and his colleagues, we find the expression,

which had been used in the days of Elizabeth, more than once repeated, that the air of *England* was too pure for a slave to breathe in.

Lord Mansfield (Trinity term, June 22, 1772) gave his final decision very briefly. After reciting the causes assigned by the captain for detaining the negro James Somersett on board of his ship, and making a few preliminary observations, he subjoins, "the only question before us is, whether the cause on the return be sufficient? If it is, the negro must be remanded; if it is not, he must be discharged. Accordingly, the return states, that the slave departed, and refused to serve; whereupon he was kept to be sold abroad. So high an act of dominion must be recognised by the law of the country where it is used. The power of a master over his slave has been extremely different in different countries. The state of slavery is of such a nature, that it is incapable of being introduced on any reasons moral or political; but only positive law, which preserves its force long after the reasons, occasion, and time itself from whence it was created, are erased from memory. It is so odious, that nothing can be suffered to support it, but positive law. Whatever inconveniences, therefore, may follow from a decision, I cannot say this case is allowed or approved by the law of England; and *therefore the black must be discharged.*"

However desirable it must be to the philanthropist, that slaves landing in England should become instantly free, candour requires the admission, that the decision of the above case fails to establish that doctrine. One important point is certainly established by it: A slave accompanying his master to Eng-

land, cannot be forcibly sent off the island.

But whether a master bringing a slave into the island, may lawfully exact his services there, is another question. Whether, again, upon a slave landing on the island, the claims of the master become void, or only voidable, may be questioned; but the question is not answered by this decision. It appears, however, by the judgments subsequently pronounced in several cases by the English judges, that the construction has always been in favour of the freedom of the slave, as long as he continued in England. A question still remains, what will be the condition of a slave, who shall visit Great Britain, and return again to the island in which he was previously held? Is the right of the master revived by the return? This is the question whose decision has recently produced such an effervescence in the English community.

A female of the name of Grace, held as a slave in Antigua, was taken to England as an attendant upon her mistress, a planter's wife. There she remained for some time as a servant, and upon the return of her mistress to Antigua, she accompanied her thither. A question was afterwards raised respecting her freedom. Several points were made; but the principal question, and, indeed, the only one which involves a general principle, was, whether the power of the owner, which is admitted to have become dormant while the woman remained in Great Britain, was revived on her return to Antigua? The cause was tried before one of the local tribunals, and decided against the freedom of the woman. An appeal was made to the high court of

admiralty, where, after an elaborate opinion by Sir William Scott, the judgment of the court below was confirmed.

The judge considers this question as depending on the interpretation of *Somerset's* case. In his review of that case, he adverts to the opinion of Yorke and Talbot, the attorney and solicitor general, given in 1729, that a slave coming from the West Indies to Great Britain, either with or without his master, does not become free; and that his master may legally compel him to return to the plantations; and to a similar judgment pronounced in 1749, by Sir Philip Yorke, then become lord chancellor, sitting in a court of chancery. Here the learned judge seems to betray a partiality for the slave-holding side of the question. He appears to consider the practice of buying and selling slaves on the exchange and other places of public resort in London, as an evidence of general acquiescence with the decision of the chancellor, and a national sanction of this opprobrious traffic. This judgment, says he, was in no more than twenty-two years reversed by Lord Mansfield. The decision of Lord Mansfield, he says, established the doctrine, that the owners of slaves had no authority or control over them in England, nor was there any power of sending them back to the colonies. This is represented as a sudden change, the reversal of a decision which had been delivered by lawyers of the greatest ability in the country; and the proscription of a system confirmed by a practice which had obtained, without exception, ever since the institution of slavery in the colonies, and supported by the general practice of the nation, and by the public establishment of its government, and it seems without any apparent op-

position on the part of the public. He would have treated this part of his subject more justly, not to say more candidly, if he had been a little more accurate in his chronology, and had stated, as he certainly might, that the practice of seizing slaves in the streets, and publicly trafficking in their persons, under colour of legal authority, had grown to such a height as to arrest the serious attention of the more philanthropic part of the community. These enormities being sheltered and encouraged by the legal opinions of Yorke and Talbot, and the subsequent decision of the former in capacity of lord chancellor, had engaged a number of lawyers of the greatest abilities in the kingdom, to examine more deeply the foundation of the doctrines on which the traders were acting; and in consequence of the new light which was shed on this momentous subject by these laborious inquiries, as well as the repulsive character of the existing traffic, the latter decision was obtained. The learned judge seems to think that Lord Mansfield made his decision rather broader than the question before him required; and yet his own construction of that decision is unquestionably an extension which is not essential to it. He considers the sole question, which it was necessary to decide, to be, whether the slave could be taken out of the country to be returned to slavery in the West Indies? And that was the question really decided. The reason of the decision, it is true, is rather broader than the decision itself. "Slavery is so odious that it cannot be supported without positive law."

Here the judge endeavours to show, that villenage, the supposed English prototype of slavery, and the slavery of



of the West Indies, have a similar origin; both being founded in custom. Without pretending to argue a question of law with Sir W. Scott, I may observe, that the West Indian slavery has not the same foundation as English villenage; it is not founded on *immemorial* usage. It did not descend with the customs which compose an acknowledged part of the common law, from times beyond the memory of man.\* And, therefore, unless this system has a foundation of its own, it can have no legal foundation at all. Sir William expresses a doubt whether the resemblance between villenage and African slavery was so close as to effect, by the decay of the former, the fall of the latter in England. He considers the sentence of emancipation, pronounced by Lord Mansfield, as owing to the increased refinement of the sentiments and manners of the age, rather than to the decay of the two systems of villenage. He proceeds to show, that the decision in Somersett's case did not extend beyond the island of Great Britain, and was so understood by Hargrave, one of the most eminent of the advocates. The present question, he says, might have been then settled, by act of parliament, with very little comparative difficulty, and if then so settled, would have saved abundance of trouble.

Admitting that a slave, landing in England, becomes free, he proceeds to the question, what effect is produced by his return to the colony where he was held as a slave. This return is tacitly presumed to be voluntary. One

argument, to show that he returns to slavery, is founded on the fact, that, during the time which has elapsed since the case of Somersett was decided, no instance has occurred, in which the attention of English justice has been called to the case. The uniform practice on one side, and acquiescence on the other, are construed as a presumption in favour of the claimants. Black seamen have been employed in navigating the West Indian ships to Great Britain, and yet the slavery of the West Indies has not been interrupted on that account. Slaves have come into Great Britain, and passed out of it, in returning to the colonies, in the same character of slaves. No doubt has been entertained of their state, after the return, whatever it might have been while in England. The practice of the colonies, in this particular, has not been interrupted or restrained by the mother country. This may be considered as presumptive evidence of its legality. Policy also peeps out. If the numerous slaves in the West Indian archipelago, who have been in England, or whose mothers have been there, were now declared free, a set of important and complicated interests, on both sides of the Atlantic, would be affected.

A difficult question has to be met, in order to support the conclusion in favour of slavery. A person landing in Great Britain is admitted to be actually free, not merely liable to become free. The ownership has become extinct, and not merely dormant. The maxim of law, which grew into popular use during the decay of villenage, "once free for an hour, free for ever," stands in the way. This is dispatched, by disposing of the *maxim*, rather than the *principle*. The maxim is said to have belonged to the system of villen-

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\* A custom is not good in English law, if it can be shown to have commenced since the reign of Richard the first.

age, while in a state of decay ; that negro slavery is not an exact copy of villenage, and that, as villenage did not travel out of England, its laws and maxims do not control, and have never been used to control, their transatlantic possessions. The question is made to turn essentially upon the difference between the laws of the mother country and those of the colonies : and upon the principles which have been permitted to govern on the different sides of the Atlantic. While slavery has been discountenanced at home, it has been encouraged and supported in the colonial dependencies.

Taking this decision, and the arguments by which it is accompanied, as an exposition of the present law of Great Britain, in relation to slaves, the matter may be summed up in a few words. A slave passing, with or without the consent of his master, from a slave colony dependant upon Great Britain to the mother country, or taking refuge on board an English ship of war, becomes immediately free, and cannot be lawfully carried back by force into the colony from which he escaped. But a slave having thus become free, and returning to the colony from which he escaped, relapses into his original state of slavery.

May we not be permitted to hope, that, if this decision should not be reversed, the case may obtain the attention of parliament? If the air of England is not yet too pure to sustain a dormant slavery, probably an act of parliament might be procured which would impart to it all its boasted purity.

It may be observed, that the air of several of our states is nearly as pure as that of Great Britain; and had not

this quality been impaired by an article of the constitution, would probably have been wholly so. One case may, and sometimes does, occur, in which these non slave-holding states furnish a complete asylum to the slave.—When a master is accompanied by his slave into one of the free states, the latter may choose his own time for returning into slavery; there is no law to compel his return. An instance of this kind occurred a few years ago in this city. Upon application to Judge Washington for a certificate to authorise his removal, the judge replied, that, as the slave did not escape from another state or territory into this, he had no authority to direct his return; the man must choose for himself whether to go back with his master or not.

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*Manufactures.*—The Petersburg Intelligencer, in some remarks on the prospect of Virginia becoming a manufacturing state, and on her present condition, draws the following glowing but doubtless accurate sketch of her present condition :

However, the season for serious reflection has arrived. For years Virginia and other states to the south have been evidently on the decline, while N. York and her northern and eastern sisters have flourished in a measure beyond example. One reason is, that we have depended alone on agriculture, the products of which year after year have fallen in price; while they have turned their attention to manufactures and commerce, as auxiliary branches necessary to assist and sustain that which is the main pillar of a nation's strength. Is this so? Our decaying towns, and deserted plantations, present a melancholy and heart-sickening contrast to their wealthy cities, and hundreds of thriving villages that have risen like exhalations—and where are our great public works to vie with theirs? our canals, roads, bridges—where? But what shall be our remedy? Let us avail ourselves of the bounties

of nature, and embrace the advantages presented by circumstances—let us establish manufactures, at least to an extent sufficient for domestic consumption—thus providing partially a home market for one of the great staples of our agriculture, at the same time lessening so far the outgoing of our people. Let us, in fine, if we are not dead to our own interests—if we are at all ambitious of rivalling the great states of the north and east—*let us profit by their example.*

This will unquestionably be good policy. But what is that example? The establishment of manufactories, I suppose. Who then are the operatives? The answer is easy—free men, and not slaves. The editor of the *Intelligencer* may be assured it is the difference in the condition of the operatives, not in the nature of their employments, that causes New York and her eastern sisters to flourish, while Virginia, with all her natural advantages, is verging to decay. It has been a question among political economists, whether agriculture or manufactures ought to be preferred. Adam Smith considered the former as the proper source of national wealth. Certain it is, that nations have flourished, and made rapid advances in the accumulation of wealth, among whom manufactures were either neglected, or carried on to a very limited extent. Our own country furnishes a striking example. Who can deny that our situation, as a nation, was highly prosperous, while our surplus agriculture was feeding the operatives and the warriors of Europe, and our manufactures derived from the workshops of the eastern world? But no nation has ever been permanently prosperous where the labourers were slaves. When Virginia converts her slave population into a hardy yeomanry, labouring for their own advantage, and

applying the powers of their minds to the improvement of their condition, then, but not before, she may rival N. York and her sister republics. This change in the character of her people, can only be effected in time; but the longer the work is delayed, the further must the state recede from her once prominent station among the states of the Union.

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#### LEGISLATION OF SOUTH CAROLINA.

Among the proceedings of the legislature at Columbia (S. C.) during the present session, the following may be taken as a specimen of the predominant feeling in regard to the people of colour.

One of a string of inquiries which a committee of the house was directed to make is, whether Congress can legislate, directly or indirectly, upon the subject of slavery, by promoting the object of *any society which contemplates a melioration of the condition of any portion of the free coloured or slave population of the United States.* The report of the committee on this subject, subsequently given, is—

Resolved, That the American Colonization Society is not an object of national interest, and that Congress has no power, in any way to patronize, or direct appropriations, for the benefit of this or any other society.

*Charleston Courier.*

It is not necessary to inquire whether the *plan* adopted by the Colonization Society is the most eligible that could have been devised, to attain the avowed object of the association—the melioration of the condition of the black population in the United States, and the relief of the white inhabitants from the inconvenience and perils resulting from the increase of a dangerous class. The object of these legislative measures obviously is to discountenance *any attempt to meliorate*



*the condition* of this depressed and degraded race. The controversy does not appear to be with the *means*, but with the *end*, not of the Colonization Society merely, but of *every society* that shall presume to extend a sympathetic hand to this class of our population. The negroes must be retained in slavery, because they are too much degraded to be safely trusted with freedom; and their condition must not be improved, lest the way should be paved for their redemption, at some distant day, from their hereditary thralldom.

The following is another remarkable evidence of determined hostility to negro advancement.

The bill to prohibit the instruction, public and private, of free persons of colour, in reading and writing, underwent discussion at some length, on its second reading, and was, after being amended, sent to the senate. The bill to prohibit the employment of coloured clerks, was also read a second time, and sent to the senate.

What are the provisions of this bill, I have not been able to discover; but admitting that its object is indicated, with any tolerable accuracy, by its title, we must be astonished that such an enactment should be even suggested to a republican legislature. Must the free born inhabitants of this land of boasted liberty, be debarred from the attainment, at their own expense, or by the aid of their friends, of the first elements of knowledge, because they are not entirely as white as ourselves? A law of that state, passed in 1740, prohibits the teaching of *slaves to write*, under a penalty of 428 dollars. But that was before the revolution. The people of South Carolina were then under a royal government.

The light respecting the inalienable rights and the natural equality of man, which was elicited by the revolutionary contest, had not then illumined our legislative halls.

Now, after all the improvements of nearly a century, the same brutalizing ingredients are mingled in the cup of legislation; not for the lips of slaves, but for those who are free. The law of 1740 left the *slave* at liberty to learn, if he could, to *read*, but now the free coloured person is to be debarred from this privilege. The free negro and mulatto must not read the Bible. If they are pagans, they may be pagans still. This was the state, which, earlier than any other south of New England, manifested a determination to resist the encroachments of the British government. Yet what were those encroachments compared to the measure proposed? The ministers of George the Third never insulted the South Carolinians with the intimation that they were entitled to fewer privileges than the people of England, because they were a little more embrowned with the sun. Suppose the legislature of one of our states to extend such a provision to the Irish, Germans, or any other class, except Africans, and what would be said of it?

#### SLAVE TRADE.

The plenipotentiaries of the powers who signed the treaty of Paris, the 30th of May, 1814, assembled in Congress:—

Having taken into consideration that the traffic known under the name of the *African Slave Trade*, has been regarded by just and enlightened men of all ages, as repugnant to the principles of humanity and of universal morality; that the particular circumstances to which this traffic owes its origin, and the difficulty of abruptly interrupting



its progress, have, to a certain degree, lessened the odium of continuing it; but that at last the public voice in all civilized countries has demanded that it should be suppressed as soon as possible; that since the character and the details of this traffic have been better known, and the evils of every sort which accompanied it completely unveiled, several European governments have resolved to suppress it; and that successively all powers possessing colonies in the different parts of the world have acknowledged either by legislative acts or by treaties and other formal engagements, the obligation and necessity of abolishing it; that by a separate article of the last treaty of Paris, Great Britain and France engaged to unite their efforts at the Congress at Vienna to engage all the powers of Christendom to pronounce the universal and definite abolition of the slave trade: that the plenipotentiaries assembled at this Congress cannot better honour their mission, fulfil their duty, and manifest the principles which guide their august sovereigns, than by labouring to realise this engagement, and by proclaiming in the name of their sovereigns the desire to put an end to a scourge that has so long desolated Africa, degraded Europe, and afflicted humanity.

The said plenipotentiaries have agreed to open their deliberations as to the means of accomplishing so salutary an object by a solemn declaration of the principles which have guided them in this work.

Fully authorised to such an act, by the unanimous adherence of their respective Courts to the principles announced in the said separate article of the treaty of Paris, they in consequence declare in the face of Europe, that, looking upon the universal abolition of the Slave Trade, as a measure particularly worthy of their attention conformably to the spirit of the age and to the general principles of their august sovereigns, they are animated with a sincere desire to concur, by every means in their power, in the most prompt and effectual execution of this measure; and to act in the employment of those means with all the zeal and all the perseverance which so great and good a cause merits.

Too well informed of the sentiments of their sovereigns not to foresee, that, however honourable may be their object, they would not pursue it without a just regard to the interest, the habits, and even the prejudices of their subjects; the said plenipotentiaries at the same time acknowledge that this general declaration should not prejudice the period which each particular power should look upon as the most expedient for the definite abolition of the traffic in slaves. Consequently the determination of the period when this traffic ought universally to cease, will be an object of negotiation between the different powers; it being, however, well understood, that no means proper to ensure and accelerate its progress should be neglected; and that the reciprocal engagements contracted by the present declaration between the sovereigns who have taken part in it, should not be considered as fulfilled until the moment when complete success shall have crowned their united efforts.

In making this Declaration known to Europe, and to all the civilized nations of the earth, the said plenipotentiaries flatter themselves they shall engage all other governments, and particularly those who, in abolishing the traffic in slaves, have already manifested the same sentiments to support them with their suffrage in a cause, of which the final triumph will be one of the greatest monuments of the age which undertook it, and which shall have gloriously carried it into complete effect.

Vienna, Feb. 8, 1815.

*Revolutionary Anecdote.*—The following characteristic anecdote of John Langdon, is given in *Chastellux's Travels*, an edition of which is recently published in this city:—"At the time of Burgoyne's descent into the States from Canada, Mr. Langdon was a member of the Council or Senate of New Hampshire. Going to the Council chamber, he perceived the members about to discuss some affairs of little consequence, and addressed them as follows:—"Gentlemen, you may talk as long as you please; but I know that the enemy is on our frontiers, and that I am going to take my pistols and

mount my horse, to combat with my fellow-citizens.' The greatest part of the members followed him, and joined General Gates at Saratoga. As he was marching day and night, reposing himself only in the woods, a negro servant who attended him, said to him, 'Master, you are hurrying yourself; but, no matter, you are going to fight for liberty—I should suffer patiently also, if I had liberty to defend.' 'Don't let that stop you,' replied Colonel Langdon, 'from this moment you are free.' The negro followed him, behaved with courage, and has never quitted him." The publisher of this edition, in his notes at the end of the work, has mentioned the African regiment of Rhode Island, who gained their liberty by defending that of their masters through the Revolution.

*Notices and Anecdotes of the African Lion, by Pringle.*—Two varieties of the lion are found in southern Africa, namely, the yellow and the brown; or (as Dutch colonists oftener term them) the blue or black lion. The dark coloured species is commonly esteemed the strongest and fiercest. I doubt, however, whether there is any real specific distinction, although some lion hunters enumerate no less than four varieties; for the mere difference in size and colour may be either altogether accidental, or the consequence of a variation of food and climate in different districts.

The lions in the Bushmen's country, beyond the limits of the colony, are accounted peculiarly fierce and dangerous. This is undoubtedly owing to their unacquaintance with civilized man, the possessor of the formidable *roer* or rifle, and still more perhaps to their instinctive awe of mankind having been extinguished by successful rencontres with the poor natives. It is said that when the lion has once tasted human flesh, he thenceforth entirely loses his natural awe of human superiority; and it is asserted, that when he has once succeeded in snatching some unhappy wretch from a Bushman kraal, he never fails to return regularly every night in search of another meal; and often harasses them

so dreadfully, as to force the horde to desert their station.

The prodigious strength of this animal does not appear to have been overrated. It is certain, that he can drag the heaviest ox, with ease, a considerable way; and a horse, heifer, hartebust, or lesser prey, he finds no difficulty in throwing over his shoulder and carrying off to any distance he may find convenient. I have myself witnessed an instance of a very young lion carrying a horse about a mile from the spot where he had killed it; and a more extraordinary case, which occurred in the Sneenburg, had been mentioned to me on good authority, where a lion, having carried off a heifer of two years old, was followed on the track for fully five hours by a party on horseback, and throughout the whole distance the carcass of the heifer was only once or twice discovered to have touched the ground.\* Many examples, not less remarkable, might easily be added, which would fully prove the lion to be by far the strongest and most active animal, in proportion to his size, that is known to exist.

The lion springs from nine to twelve yards at a single leap, and for a brief space, can repeat these bounds with such activity and speed, as to outstrip the swiftest horse in a short space; but he cannot hold out at this rate in a long pursuit, and seldom attempts it. The monarch of the forest is, in fact, merely a gigantic cat, and he must live by using the arts of a cat. He would have but a poor chance with the antelope, were he always magnanimously to begin a roaring whenever a herd approached his lair. He knows his business better, and generally couches among the rank grass or reeds that grow around the pools and fountains, or in the narrow ranges through which

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\* Sparrman relates the following among other instances of the lion's strength:—"A lion was once seen at the Cape to take a heifer in his mouth, and though the legs of the latter dragged on the ground, yet he seemed to carry her off with the same ease as a cat does a rat. He likewise leaped over a broad dike with her without the least difficulty."

the larger game descend to drink at the rivers; and in such places one may most commonly find the horns and bones of the animals which have been thus surprised and devoured by him.

Even in such places, it is said, he will generally retreat before the awe-inspiring presence of man; but not precipitately, nor without first calmly surveying his dimensions, and apparently measuring his prowess. He appears to have the impression, that man is not his natural prey; and though he does not always give place to him, he will yet in almost every case abstain from attacking him, if he observes in his deportment neither terror nor hostility. But this instinctive deference is not to be counted upon under other circumstances, nor even under such as are now described, with entire security. If he is hungry, or angry, or if he is watching the game he has killed, or is otherwise perturbed by rage or jealousy, it is no jest to encounter him. If he assumes a hostile aspect, the traveller must elevate his gun and take aim at the animal's forehead, before he comes up close and couches to take his spring; for in that position, though he may possibly give way to firmness and self-possession, he will tolerate no offensive movement, and will anticipate, by an instant and overwhelming bound, any attempt thus to take aim at him. These observations are advanced on the uniform testimony of many of the back country boors and Hottentots, with whom I have often conversed on these subjects.

My friend, Diederik Muller, one of the most intrepid and successful lion hunters in South Africa, mentioned to me the following incident, in illustration of the foregoing remarks. He had been out alone hunting in the wilds, when he came suddenly upon a lion, which, instead of giving way, seemed disposed, from the angry attitude he assumed, to dispute with him the dominion of the desert. Diederik instantly alighted, and confident of his unerring aim, levelled his mighty *roer* at the forehead of the lion, who was couched in the act to spring, within fifteen paces of him; but at the moment the hunter fired, his horse, whose bridle was round his arm, started back and caused him to miss. The lion

bounded forward, but stopped within a few paces, confronting Diederik, who stood defenceless, his gun discharged, and his horse running off. The man and the beast stood looking each other in the face, for a short space. At length the lion moved backward, as if to go away. Diederik began to load his gun; the lion looked over his shoulder, growled, and returned. Diederik stood still. The lion again moved cautiously off, and the boor proceeded to load and ram down his bullet—the lion again looked back and growled angrily; and this occurred repeatedly until the animal had got off to some distance, when he took fairly to his heels and bounded away.

#### FALLS OF THE GARIEP IN SOUTHERN AFRICA.

I made inquiries respecting a great cataract, which, I had been informed, existed in this vicinity, and soon ascertained that it was not above seven or eight miles down the river. As mid day was scarcely passed, I determined to visit it immediately. I therefore set out with Witteboy, and five of the Korannas, whom I engaged to accompany us on foot.

As we approached the fall, the sound began to rise upon our ears like distant thunder. It was still, however, a work of some exertion to reach the spot, from which we were divided by a part of the river, and beyond that by a tract of wild woodland, several miles in extent.

The main and middle branch of the Gariep, which forms the cataract, traverses a sort of island, of large extent, covered with rocks and thickets, and environed on all sides by streams of water. Having crossed the southern branch, which at this season is but an inconsiderable stream, we continued to follow the Korannas, for several miles, through the dense acacia forests, while the thundering sound of the cataract increased at every step. At length we reached a ridge of rocks, and found it necessary to dismount, and follow our guides on foot. It seemed as if we were now entering the untrodden vestibule of one of nature's most sublime temples, and the untutored savages, who guided us, evinced, by the awe and circumspection with which they trod,



that they were not altogether uninfluenced by the genius of the place. They repeatedly requested me to keep behind, and follow them softly; for the precipices were dangerous for the feet of men, and the sight and sound of the cataract were so fearful, that they themselves regarded the place with awe, and ventured but seldom to visit it.

At length the whole of them halted, and desired me to do the same. One of them stepped forward to the brink of the precipice, and having looked cautiously over, beckoned to me to advance—I did so, and witnessed a curious and striking scene; but it was not yet the waterfall; it was a rapid formed by almost the whole volume of the river, compressed into a narrow channel of not more than fifty yards in breadth, where it descended at an angle of nearly 45 degrees, and rushing tumultuously through a black and crooked chasm among the rocks, of a frightful depth, escaped in a torrent of foam. My swarthy guides, although this was evidently the first time they had ever led a traveller to view the remarkable scenery of their country, evinced a degree of tact, as well as of natural feeling of the picturesque, that equally pleased and surprised me.

Having forewarned me that this was not yet the waterfall, they pioneered the way for about a mile further along the rocks, some of them keeping near, and continually cautioning me to look to my feet, as a single false step might precipitate me into the raging abyss of waters, the tumult of which seemed to shake even the solid rocks around us. At length we halted as before, and the next moment I was led to a projecting rock, where a scene burst upon me, far surpassing my most sanguine expectations. The whole water of the river, (except what escapes by the subsidiary branches of the river we had crossed, and by a similar one on the north side) being previously confined to a bed of scarcely one hundred feet in breadth, descends at once in a magnificent cascade of fully four hundred feet in height.

I stood upon a cliff nearly level with the top of the fall, and directly in front of it. The beams of the evening sun fell full upon the cascade, and occasioned a most splendid rainbow; while

the vapoury mists arising from the broken waters, the bright green woods which hung from the surrounding cliffs, the astounding roar of the waterfall, and the tumultuous boiling and whirling of the stream below, striving to escape along its deep, dark, and narrow path, formed altogether a combination of beauty and grandeur, such as I never before witnessed.

As I gazed on this stupendous scene, I felt as if in a dream. The sublimity of nature, drowned all apprehensions of danger; and after a short pause, I hastily left the spot where I stood, to gain a nearer view from a cliff that more immediately impended over the foaming gulf. I had just reached this station, when I felt myself grasped all at once by four Korannas, who simultaneously seized hold of me by the arms and legs.

My first impression was, that they were going to hurl me over the precipice; but it was a momentary thought, and it wronged the friendly savages. They are themselves a timid race, and they were alarmed lest my temerity should lead me into danger. They hurried me back from the brink, and then explained their motive, and asked my forgiveness. The character of the whole surrounding scenery, full of rocks, caverns, and pathless woods, and the desolate prospect of the Gariepine mountains beyond, accorded well with the wild grandeur of the waterfall, and impressed me with feelings never to be effaced.

The river, after pouring itself out in this beautiful cascade, rushes along in a narrow chasm, or canal, of about two miles in length, and nearly five hundred feet in depth, apparently worn in the solid rock, in the course of ages, by the force of the current.

In the summer season, when the river is in flood, the fall must be infinitely more magnificent; but it is probably at that season altogether inaccessible; for it is evident, that the mass of waters unable to escape by this passage, then pour themselves out, in mighty streams, by the two subsidiary channels, which were now almost dry, and at the same time overflow nearly the entire tract of forest land between them, which forms, at other seasons, a sort of island, as we now found it.